

**DETERMINATION AND FINDINGS  
FOR A  
SOLE SOURCE PROCUREMENT**

**CONTRACT NO: Doc183757**

**CAPTION:** Waters Corporation Service Parts and Equipment

**PROPOSED CONTRACTOR:** Waters Corporation

**PROGRAM AGENCY:** OFFICE OF THE CHIEF MEDICAL EXAMINER (OCME)

**FINDINGS**

**1. AUTHORIZATION:**

D.C. Official Code §2-354.04, 27 DCMR 1304, 1700 and 1701

**2. MINIMUM NEED:**

The Office of the Chief Medical examiner (OCME) requires annual service on Waters Corporation (Waters) instrumentation for its Toxicology Department to maintain toxicology testing of five (5) instruments which require immediate repair. At this time OCME can no longer complete heroin or fentanyl positive cases, which impacts the completion of postmortem, DUI, DFSA (Drug Facilitate Sexual Assault) and child postmortem MRM screening (waters lc/ms/ms) casework. The term of the contract will be from the Date of Award through September 30, 2015.

**3. ESTIMATED REASONABLE PRICE:**

The anticipated cost to the District is \$108,447.30 which is a reasonable price based upon the prices identified within Waters current GSA Schedule contract.

**4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:**

Waters is the sole source of training for factory authorized engineers to perform factory certified service on: Acquity TQD Instruments, Software, Software Updates, and Water Corporation Instrument service notes.

- Waters Field Service Representatives are the only authorized individuals able to attend factory certified update training on Agilent Hardware and Agilent Software.
- No other service vendors have certified factory trained personnel to service Waters Hardware or Software throughout the term of a typical one year annual service agreement.
- Waters is the sole source for factory-recommended replacement parts.

- Waters offers the only platform capable of accessing instrument diagnostics remotely on Waters systems.
- Waters is the sole source for current factory authorized preventive maintenance procedures.

In accordance with, 27 DCMR, 1700.2 (g) the agency could not perform a market survey because there are no known vendors who are able to fulfill this statement of work. In addition, there are no 3rd parties who can support Waters proprietary software which is required. The Contracting Officer performed an on sight inspection of the equipment which confirmed that it is branded and patented by Waters.

**5. CERTIFICATION BY AGENCY HEAD:**

I hereby certify that the above findings are true, correct and complete.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Roger A. Mitchell, Jr. MD FASCP  
Chief Medical Examiner, Office of the Chief  
Medical Examiner

**6. CERTIFICATION BY CONTRACTING OFFICER:**

I have reviewed the above findings and certify that they are sufficient to justify the use of the sole source method of procurement under the cited authority. I certify that the notice of intent to award a sole source contract was published in accordance with 27 DCMR 1304 and that no response was received. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joseph Stewart, Contracting Officer

**DETERMINATION**

Based on the above findings and in accordance with the cited authority, I hereby determine that it is not feasible or practical to invoke the competitive solicitation process under either Section 402 or 403 of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code § 2-354.02 or 2-354.03). Accordingly, I determine that the District is justified in using the sole source method of procurement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
James D. Staton, Jr.  
Chief Procurement Officer